

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04-cv-12429

Michael J. Hyde

v.

States of Massachusetts, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

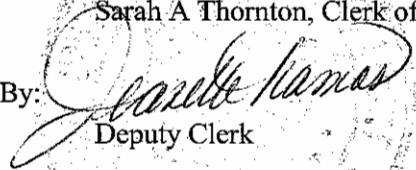
1-54

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/13/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 9, 2006.

Sarah A Thornton, Clerk of Court

By:


Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/9/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12429-RWZ**

Hyde v. State of Massachusetts
Assigned to: Judge Rya W. Zobel
Cause: 28:1983 Civil Rights

Date Filed: 11/17/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Michael J. Hyde

represented by **Michael J. Hyde**
148 Brickel Rd
Stoughton, MA 02072
781-341-4299
PRO SE

V.

Defendant

State of Massachusetts

represented by **Annette C. Benedetto**
Department of Attorney General
One Ashburton Place
Boston, MA 02208
617-727-2200
Fax: 617-727-5755
Email:
Annette.Benedetto@AGO.state.ma.us

ATTORNEY TO BE NOTICED

Defendant

Paul Baker

represented by **Scott W. Dunlap**
Law Office of Timothy M. Burke
160 Gould Street
Suite 111
Needham, MA 02494
781-455-0707
Fax: 781-455-8879

Email: sdunlap@timburkelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

State Trooper Rachel Ruthier represented by **Scott W. Dunlap**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Clerk-Magistrate Salvatore Paterna represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dedhan District Cour Thomas Connors represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Norfolk County DA William R. Keating represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Assistant DA Jason Bolio represented by **Annette C. Benedetto**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Assistant DA Max Pearlman represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Norfolk County House of Correction represented by **Robert W. Harnais**
Norfolk County Sheriff's Office

General Counsel
200 West Street
P.O. Box 149
Dedham, MA 02027
781-751-3308
Fax: 461-5968
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Massachusetts State Police
Crime Lab**

represented by **Annette C. Benedetto**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Edward A. Flynn, Jr.
*Massachusetts Office of Public
Safety*

represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Attorney General Thomas
Reilly**

represented by **Annette C. Benedetto**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Governor Mitt Romney

represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Bob Pino
*CODIS Administrator of Mass.
State Crime Lab*

represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carl Selavka
*Director of Mass. State Police
Crime Lab*

represented by **Annette C. Benedetto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/2004	1	COMPLAINT against State of Massachusetts Filing fee: \$ 150, receipt number 60207, filed by Michael J. Hyde.(Johnson, Jay) (Entered: 11/18/2004)
11/17/2004	2	Summons Issued as to State of Massachusetts. (Johnson, Jay) (Entered: 11/18/2004)
11/17/2004	3	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Johnson, Jay) (Entered: 11/18/2004)
03/18/2005	2	AMENDED COMPLAINT against State of Massachusetts, filed by Michael J. Hyde.(Johnson, Jay) (Entered: 03/18/2005)
04/07/2005	3	NOTICE of Appearance by Annette C. Benedetto on behalf of State of Massachusetts (Benedetto, Annette) (Entered: 04/07/2005)
04/07/2005	4	MOTION for Extension of Time to June 29, 2005 to File Answer by State of Massachusetts.(Benedetto, Annette) Additional attachment(s) added on 4/8/2005 (Johnson, Jay). (Entered: 04/07/2005)
05/04/2005	5	Letter/request (non-motion) from Michael Hyde regarding return receipts. (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	6	Return receipt received for mail sent to Mass. State Police Crime Lab, 59 Horse Pond Rd, Sudbury. Ma. Delivered on 3/16/05 (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	7	Return receipt received for mail sent to Office of Public Safety Delivered on 3/16/05 (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	8	Return receipt received for mail sent to Dedham District Court Delivered on 3/16/05 (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	9	Return receipt received for mail sent to Norfolk County D.A. Delivered on 3/16/05 (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	10	Return receipt received for mail sent to Norfolk County Correctional Center Delivered on (No Date) (Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	11	Return receipt received for mail sent to State Police Delivered

		on (No Date) (Johnson, Jay) (Entered: 05/05/2005)
06/27/2005	<u>6</u>	NOTICE of Appearance by Annette C. Benedetto on behalf of Salvatore Paterna, Thomas Connors, Max Pearlman, Edward A. Flynn, Jr (Benedetto, Annette) (Entered: 06/27/2005)
06/27/2005	<u>7</u>	MOTION for More Definite Statement by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts.(Benedetto, Annette) (Entered: 06/27/2005)
06/27/2005	<u>8</u>	MEMORANDUM in Support re <u>7</u> MOTION for More Definite Statement filed by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts. (Benedetto, Annette) (Entered: 06/27/2005)
06/27/2005	<u>9</u>	MOTION for Order to Exempt defendants' counsel from rules requiring conferring with opposing party by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts.(Benedetto, Annette) (Entered: 06/27/2005)
06/30/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>9</u> Motion for Order for exemption. (Urso, Lisa) (Entered: 06/30/2005)
07/08/2005	<u>10</u>	Request for notice of default. (Johnson, Jay) (Entered: 07/11/2005)
07/19/2005	<u>11</u>	NOTICE of Appearance by Annette C. Benedetto on behalf of Massachusetts State Police Crime Lab (Benedetto, Annette) (Entered: 07/19/2005)
08/12/2005	<u>12</u>	NOTICE of Appearance by Robert W. Harnais on behalf of Norfolk County House of Correction (Johnson, Jay) (Entered: 08/17/2005)
08/12/2005	<u>13</u>	MOTION for Joinder in co-defendants motion for more definite statement by Norfolk County House of Correction. (Johnson, Jay) (Entered: 08/17/2005)
08/17/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>7</u> Motion for More Definite Statement without opposition. Plaintiff shall file a short, concise complaint that clearly sets

		out his claims. It shall be double spaced on one side of the papers only and it shall be filed on or before 9/1/05. (Urso, Lisa) (Entered: 08/17/2005)
08/18/2005	<u>14</u>	MOTION for Extension of Time to File Response/Reply by Michael J. Hyde.(Johnson, Jay) (Entered: 08/19/2005)
08/24/2005	<u>15</u>	NOTICE of Appearance by Scott W. Dunlap on behalf of Paul Baker, Rachel Ruthier (Johnson, Jay) (Entered: 08/30/2005)
08/24/2005	<u>16</u>	MOTION for Joinder in Co-Defendants Motion for a More Definite Statement by Paul Baker, Rachel Ruthier.(Johnson, Jay) (Entered: 08/30/2005)
09/01/2005	<u>17</u>	AMENDED COMPLAINT against Bob Pino, Carl Selavka, Paul Baker, Rachel Ruthier, Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Norfolk County House of Correction, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, filed by Michael J. Hyde. (Attachments: # <u>1</u>)(Johnson, Jay) (Entered: 09/02/2005)
09/08/2005		Judge Rya W. Zobel : Electronic ORDER entered granting <u>4</u> Motion for Extension of Time to Answer, granting <u>14</u> Motion for Extension of Time to File Response/Reply (Urso, Lisa) (Entered: 09/08/2005)
09/30/2005	<u>18</u>	MOTION for Extension of Time to September 30, 2005 to file motion to dismiss by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, Bob Pino, Carl Selavka.(Benedetto, Annette) (Entered: 09/30/2005)
09/30/2005	<u>19</u>	MOTION to Dismiss by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, Bob Pino, Carl Selavka.(Benedetto, Annette) (Entered: 09/30/2005)
09/30/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Dismiss filed by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, Bob Pino, Carl Selavka. (Benedetto, Annette) (Entered: 09/30/2005)

09/30/2005	<u>21</u>	NOTICE by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, Bob Pino, Carl Selavka <i>of filing with clerk's office of exhibits</i> (Benedetto, Annette) (Entered: 09/30/2005)
10/03/2005	<u>22</u>	CERTIFICATE OF SERVICE by Salvatore Paterna, Thomas Connors, William R. Keating, Jason Bolio, Max Pearlman, Massachusetts State Police Crime Lab, Edward A. Flynn, Jr, Thomas Reilly, Mitt Romney, State of Massachusetts, Bob Pino, Carl Selavka <i>to Robert W. Harnais Norfolk County Sheriff's Office of documents filed September 30, 2005.</i> (Benedetto, Annette) (Entered: 10/03/2005)
10/03/2005	<u>23</u>	NOTICE of filing list of exhibits filed w/the clerks office by Thomas Reilly (Johnson, Jay) (Entered: 10/04/2005)
10/06/2005	<u>24</u>	MOTION for Extension of Time to 10/31/05 to respond to defendants motion to dismiss by Michael J. Hyde.(Johnson, Jay) (Entered: 10/11/2005)
10/17/2005	<u>25</u>	MOTION for Leave to File late motion to dismiss by Norfolk County House of Correction.(Johnson, Jay) (Entered: 10/19/2005)
10/17/2005	<u>26</u>	MOTION to Dismiss by Norfolk County House of Correction. (Johnson, Jay) (Entered: 10/19/2005)
10/17/2005	<u>27</u>	MEMORANDUM in Support re <u>26</u> MOTION to Dismiss filed by Norfolk County House of Correction. (Johnson, Jay) (Entered: 10/19/2005)
10/17/2005	<u>28</u>	Exhibit List by Norfolk County House of Correction.. (Johnson, Jay) (Entered: 10/19/2005)
10/17/2005	<u>29</u>	CERTIFICATE OF SERVICE by Norfolk County House of Correction re <u>25</u> MOTION for Leave to File, <u>26</u> MOTION to Dismiss, <u>27</u> Memorandum in Support of Motion, <u>28</u> Exhibit List. (Johnson, Jay) (Entered: 10/19/2005)
10/19/2005	<u>30</u>	EMERGENCY MOTION for Sanctions by Michael J. Hyde. (Johnson, Jay) (Entered: 10/20/2005)
10/26/2005		Judge Rya W. Zobel : ElectronicORDER entered granting <u>24</u> Motion for Extension of Time. Opposition due 10/31/05 (Urso, Lisa) (Entered: 10/26/2005)

10/31/2005	<u>31</u>	Opposition re <u>19</u> MOTION to Dismiss, <u>26</u> MOTION to Dismiss filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/01/2005)
10/31/2005	<u>32</u>	MEMORANDUM in Opposition re <u>19</u> MOTION to Dismiss, <u>26</u> MOTION to Dismiss filed by Michael J. Hyde. (Attachments: # <u>1</u>)(Johnson, Jay) (Entered: 11/01/2005)
10/31/2005	<u>33</u>	MOTION for Leave to File Late Motion to Dismiss by Paul Baker, Rachel Ruthier.(Johnson, Jay) (Entered: 11/01/2005)
11/14/2005	<u>34</u>	RESPONSE to Motion re <u>33</u> MOTION for Leave to File filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>35</u>	MOTION to Strike by Michael J. Hyde.(Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>36</u>	MEMORANDUM in Support re <u>35</u> MOTION to Strike filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>37</u>	MOTION for Sanctions by Michael J. Hyde.(Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>38</u>	MEMORANDUM in Support re <u>37</u> MOTION for Sanctions filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>39</u>	MOTION to Suppress by Michael J. Hyde.(Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>40</u>	MEMORANDUM in Support re <u>39</u> MOTION Suppress filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>41</u>	MOTION for Discovery by Michael J. Hyde.(Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION for Discovery filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>43</u>	MOTION to Compel Defendants to Answer the Full Complaint by Michael J. Hyde.(Johnson, Jay) (Entered: 11/15/2005)
11/14/2005	<u>44</u>	MEMORANDUM in Support re <u>43</u> MOTION to Compel filed by Michael J. Hyde. (Johnson, Jay) (Entered: 11/15/2005)
12/01/2005	<u>45</u>	Judge Rya W. Zobel : ORDER entered. Plaintiff shall serve on defendants all papers filed in court as required by Rule 5. (Urso, Lisa) (Entered: 12/01/2005)

12/07/2005	<u>46</u>	CERTIFICATE OF SERVICE by Michael J. Hyde re <u>34</u> Response to Motion. (Johnson, Jay) (Entered: 12/08/2005)
12/07/2005	<u>47</u>	CERTIFICATE OF SERVICE by Michael J. Hyde re <u>30</u> Emergency MOTION for Sanctions. (Johnson, Jay) (Entered: 12/08/2005)
12/07/2005	<u>48</u>	CERTIFICATE OF SERVICE by Michael J. Hyde re <u>32</u> Memorandum in Opposition to Motion. (Johnson, Jay) (Entered: 12/08/2005)
03/21/2006		Judge Rya W. Zobel : Electronic ORDER entered granting <u>33</u> Motion for Leave to File late motion to dismiss. (Urso, Lisa) (Entered: 03/21/2006)
03/21/2006	<u>49</u>	MOTION to Dismiss by Paul Baker, Rachel Ruthier.(Urso, Lisa) (Entered: 03/21/2006)
03/21/2006	<u>50</u>	MEMORANDUM in Support re <u>49</u> MOTION to Dismiss filed by Paul Baker, Rachel Ruthier. (Urso, Lisa) (Entered: 03/21/2006)
03/21/2006	<u>51</u>	List of EXHIBITs re <u>49</u> MOTION to Dismiss by Paul Baker, Rachel Ruthier. (Urso, Lisa) (Entered: 03/21/2006)
03/23/2006	<u>52</u>	Judge Rya W. Zobel : ORDER entered; Memorandum of Decision;granting <u>25</u> Motion for Leave to File, granting <u>26</u> Motion to Dismiss, denying <u>30</u> Motion for Sanctions, denying <u>35</u> Motion to Strike, denying <u>37</u> Motion for Sanctions, denying <u>39</u> Motion, denying <u>41</u> Motion for Discovery, granting <u>49</u> Motion to Dismiss, denying <u>13</u> Motion for Joinder, denying <u>16</u> Motion for Joinder, granting <u>18</u> Motion for Extension of Time, granting <u>19</u> Motion to Dismiss. Judgment may be entered dismissing the complaint. (Urso, Lisa) (Entered: 03/24/2006)
03/24/2006	<u>53</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT entered dismissing the complaint. (Urso, Lisa) (Entered: 03/24/2006)
04/13/2006	<u>54</u>	NOTICE OF APPEAL as to <u>52</u> Order on Motion for Leave to File,,, Order on Motion to Dismiss,,, Order on Motion for Sanctions,,, Order on Motion to Strike,,,,, Order on Motion for Miscellaneous Relief,,, Order on Motion for Discovery,,,,, Order on Motion for Joinder,,,,, Order on Motion for Extension of Time,,,,, by Michael J. Hyde. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be

		completed and submitted to the Court of Appeals. Appeal Record due by 5/3/2006. (Attachments: # <u>1</u> Exhibit A) (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
04/13/2006	●	Remark: Cashier returned check to Plaintiff, waiting for correct filing fee amount of \$455.00 (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
05/02/2006	●	Filing fee: \$ 455, receipt number 72127 for <u>54</u> Notice of Appeal,, (Johnson, Jay) (Entered: 05/02/2006)